

FILED

JUL 03 2008

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JUL 3 2008
MICHAEL W. ROBBINS
CLERK U.S. DISTRICT COURT

In THE United States District
Court For The Northern
District of Illinois
Eastern Division

HARRY M. BOBBS

VS

DR. ABRAHAM, SUPERINTENDENT

08cv 2468

Civil No: 08CV2468

NOTICE OF FILING

PLEASE TAKE NOTICE, THE PETITIONER HAS
CAUSE TO BE SERVED ON THE COURT THIS 21 DAY
OF JUNE. A TRUE AND CORRECT COPY OF THE
FOLLOWING, MOTION TO CORRECT JUDGMENT
PURSUANT TO FEDERAL RULE(S) OF CIVIL PROCEDURE
RULE 6.(b).

CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE, THE PETITIONER HAS
CAUSE TO BE SERVED ON THE CLERK OF THE
UNITED STATE DISTRICT COURT AND COPY OF
THE FOLLOWING, SENT VIA U.S. POSTAL MAIL
FROM WEHNER DRIVE, P.O. BOX 21
CHESTER, ILLINOIS 62203

Respectfully Submitted
J. M. Bobbs

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NR

JUL 3, 2008
MICHAEL W. ROBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT
COURT FOR THE Northern District
OF Illinois
EASTERN Division

LARRY M. BANKS

VS

DR. ABRAHAM, Superintendent
OF EMHC.

Civil No. 08 CV 2468

Motion TO CORRECT JUDGMENT pursuant
TO FEDERAL Rules OF civil procedure
RULE 60 (b)

CAME NOW, Larry M. Banks Petitioner in
want of counsel and submits as following: Motion
TO CORRECT JUDGMENT pursuant to Federal
Rule of civil procedure; Rule 60 (b).

STATEMENT OF CASE

The Petitioner submitted a "Writ of Habeas
CORPUS pursuant to 28 U.S.C. § 2241 (c) as
a pre-Trial Detainee ADDRESSING amongst
other things the ILLEGAL RESTRAINT of his
Liberty in the custody, under the Jurisdiction
of the (State Forum), which Cook County
Criminal Division Brought Forth Criminal
charge(s) in BAD-FAITH for the purpose
OF harassment.....

The Petitioner invoked Jurisdiction in the
Federal forum pursuant to 28 U.S.C. § 2241(c)
and was challenging amongst other things
the constitutional Violations of the "State
Actors".....

The Petitioner is Agrieved, by the court order stating that the petitioner failed to exhaust State Remedies, due to the petitioner submitting a Supplemental Exhibit, which References the "Supreme court of Illinois" denial of the Writ of Habeas corpus pursuant to Illinois Constitution of 1970; Article 1 Section 9, the petitioner Exhausted such Remedies Afforded to him through the (State Forum).

THE COURT ADDRESSED The Matter pursuant to Rule 4, 28 U.S.C. § 2254, which in Nature Touches on (State Defendants in custody By a "State" Court Judgement)

YOUNGER VS HARRIS 91 S.Ct. 746; Abstention Doctrine doesn't apply to this case, because of the irreparable injuries, which warrants for "equitable Relief" and the irreparable Damages ADDS UP to Constitutional Deprivation.

Newly Discovered EVIDENCE

The Petitioner ("Banks") called the A R D C Inquiring about Attorney "CANDACE ALEXANDER" and Found out Attorney "CANDACE ALEXANDER" is NOT AN Bar Attorney in the "State of Illinois" and on 11-6-06 she was Force on the Petitioner by Honorable ADAM D. BOUGEOIS, which was Given notice that Petitioner-Defendant Want to Proceed Pro'SE such Action constitutes A 6th Amendment Violation, and a 14th Amendment Violation.

Jurisdiction Question

The Petitioner cites the Jurisdiction Question which is raised. Pursuant to the 6th Amendment grants a Defendant the Right to proceed pro se or have an Attorney assistants, due to the petitioner - Defendant not waiving his Right to having an Attorney, Honorable "ADAM D. BOURGEOIS Forced Attorney" CANDACE ALEXANDER" are the Petitioner - Defendant cause the Petitioner Rights to be waived and invested Jurisdiction to the Court, and by such actions Attorney "CANDACE Alexander" failed to secure the Petitioner Right, and waived the challenges, such as to protect "Her" clients Rights.

Due to "CANDACE Alexander" not being an Attorney "She" had no Right to partake in the proceedings, but due to the Judicial official, Honorable: ADAM D. BOURGEOIS the Court denied such Rights that the constitution grants to A Person who seeks to invoke his sixth (6th) Amendment Rights to come pro se.

THE PETITIONER was not Afforded the Right to Confront the ACCUSED WITNESSES or call WITNESSES of his own, such witnesses as the Defendant could have secure, such as the Transcripts of the proceedings, But the Honorable, Honorable: ADAM D. BOURGEOIS Denied the Petitioner to secure the collaguy (Transcripts)

Due to the Lawyer not being an Attorney does this prejudice the Petitioner - Defendant Yes or No?

challenge conditions of confinement

The PETITIONER is challenging the conditions of confinement, due to the Elgin Mental Health Center lack of a constitutional acceptable law library or an alternative acceptable, means for the (Pre-Trial Detainee) Banks to challenge the judgment of the "State Forum" and the "Federal Forum". The Petitioner (Banks) was transferred to "CHESTER Mental Health Center" due to his filing a suit against the (D.H.S.).

The (D.H.S.) has intentionally inflicted the Petitioner to Amouset - other - thing, denial of equal protection of the law case no. 94-15055, whereby (C.M.H.C.) and the D.H.S. were instructed to conform their facilities to the constitutional mandates of sufficient legal resources to ensure detainees their fundamental right of access to the courts. See: Walter Vs Thompson, 615 F. Supp. 330, 211 (N.D. Ill., 1985)

("A" continuing violation of constitutional rights constitutes irreparable injury. Id The undersigned is entitled to the requested relief in the "Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241(c))

The Petitioner has been confined in (C.M.H.C.) since 11-6-08, and the facility lacks a constitutional acceptable law library or a alternative means for redressing one-self to the courts.

Request Equitable Relief

A Prosecution that has no reasonable expectation of obtaining a valid conviction is Bad-Faith for purposes of the Younger Doctrine. The Courts have ruled that Violations of Constitutional Rights constitute "Irreparable harm" as a matter of law, such as will justify the grant of "Equitable Relief." *Walters vs Thompson*, 615 F. Supp. 830, 841 (N.D. Ill., 1985). A continuing Violation of Constitutional Rights constitutes irreparable injury. Id. The Undersigned is entitled to the Request "Equitable Relief" herein sought because "State actors" have committed crimes in prosecuting him and continue to violate his fundamental Right to counsel and assisting in his own defense.

All state court proceedings in the Undersigned's case are in violation of, inter alia, the guarantees of the Sixth Amendment and due process. When the Sixth Amendment is violated the court is without Jurisdiction to proceed. *Johnson vs Zerbst*, 304 U.S. 458, 467-68 (1938). The Undersigned fears that this court will ratify the apparent criminal activity, Judicial and prosecutorial misconduct, and fundamental violations of, inter alia, the federal misprision of felony and dishonest Government Services Statutes, as well as the deprivation of Rights Under color of law statute

The Undersigned fears this court will remain silent as to criminal activity on the part of state actors see. IRVINE VS People of California, 347 U.S. 128, 139, - 38 (1954) (for the proposition that a Federal judge or justice has an Affirmative duty to so report deprivations of rights under color of law to the Attorney General). See also Jenkins VS Alderson, 447 U.S. 231, 244 n 5 (1980).

Conclusion

The Petitioner ("Banks") Prays this court would Review the case, and Carefully Grant the Relief sought in the case, which is pursuant to 28 U.S.C. § 2241(c) For Amongst other-things, the "Comity" Doctrine shouldn't Apply, because irreparable injuries have occurred in the instant case. The petitioner seeks for the court to ~~stay~~ stay proceedings until the Petitioner has a chance to get to a facility, which has a constitutional acceptable Alternative means, or a constitutional acceptable Law library, without counsel the Petitioner stands no chance to get Relief which he seeks.

Respectfully Submitted